

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 24, 2013

No. 12-41383
Summary Calendar

Lyle W. Cayce
Clerk

CHRISTIAN CUTLER,

Plaintiff - Appellee

v.

STEPHEN F. AUSTIN STATE UNIVERSITY; BAKER PATTILLO, President of Stephen F. Austin University; RICHARD BERRY, Vice President of Stephen F. Austin; A.C. HIMES, Dean of Fine Arts at Stephen F. Austin University; SCOTT ROBINSON,

Defendants - Appellants

Appeal from the United States District Court
for the Eastern District of Texas
U.S. Dist. Ct. No. 2:11-CV-447

Before JONES, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:*

Stephen F. Austin State University (“SFA”) brings an interlocutory appeal of the district court’s order requiring SFA to appear for a deposition pursuant to Federal Rule of Civil Procedure 30(b)(6). The face of the briefing discloses that the depositions have taken place. Accordingly, the challenge to those depositions

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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is moot. SFA argues that its appeal is not moot because the depositions may be used at trial, now scheduled for July of 2013, and it may be ordered to testify at trial. This court does not have jurisdiction to issue advisory opinions regarding decisions of the district court that have not been made at a trial that has not been held. *Amar v. Whitley*, 100 F.3d 22, 24 (5th Cir. 1996)(federal courts lack jurisdiction to issue advisory opinions and possibility of future issue does not warrant exception to mootness dismissal). We conclude that we lack jurisdiction over this appeal and DISMISS the appeal for want of jurisdiction.